IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2030 OF 2005

Union of India and Ors. ... Petitioners

Vs.

D.L. Mane ... Respondents

Mr. Ravi Shetty with Mr. N.D. Sharma for Petitioner.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED: SEPTEMBER 12, 2006

P.C.:

. It is the case of the Petitioners that the learned tribunal ought not to have dismissed the review petition considering that the Government circulars based upon which the damage rent was fixed was not known when the matter was disposed of.

. There is no dispute that between 17.1.1992 to March, 1992 the damage rent has been correctly charged. Between the period from April, 1992 to 21.6.1993 according to the learned counsel the damage rent for that period ought to have been at the rate of Rs.2700/- per month.

. The Respondent has since retired, the question is whether in these circumstances, we should interfere with the impugned order passed by the tribunal. The major grievance on behalf of the Petitioners is that if the judgment is upheld that would give cause of action to others who will also claim rent at the rate of Rs.850/- per month instead of Rs.2700/- per month.

. Ordinarily we would have remanded the matter. However, in the instant case, the respondent has retired and in these circumstances, we do not think it appropriate that we should interfere with the order passed in exercise of our extra ordinary jurisdiction. However, we make it clear that we have not approved the judgment and it will be open to the Petitioners in other cases to charge damage rent on the basis of the law as it stands including O.M. dated 31.3.1992.

. With the above observations, Petition stands disposed of.

(ANOOP V. MOHTA,J.) **(F.I.REBELLO, J.)**